

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAUL PAYAN,

Plaintiff,

No. CIV S-03-2556 GEB JFM P

vs.

THERESA SCHWARTZ, et al.,

Defendants.

ORDER

On February 1, 2006, defendants filed a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56. By order filed March 8, 2006, plaintiff's request for an extension of time was granted and plaintiff was given a period of ninety days in which to file and serve an opposition to defendants' motion. The ninety day period has expired and plaintiff has not opposed the motion.

Local Rule 78-230(m) provides in part: "Failure of the responding party to file written opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion" On July 1, 2004, plaintiff was advised of the requirements for filing an opposition to the motion and that failure to oppose such a motion may be deemed a waiver of opposition to the motion.

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1 Local Rule 11-110 provides that failure to comply with the Local Rules “may be
2 grounds for imposition of any and all sanctions authorized by statute or Rule or within the
3 inherent power of the Court.” In the order filed July 1, 2004, plaintiff was advised that failure to
4 comply with the Local Rules may result in a recommendation that the action be dismissed.

5 Good cause appearing, IT IS HEREBY ORDERED that, within **fifteen** days of the
6 date of this order, plaintiff shall file an opposition, if any he has, to the motion for summary
7 judgment or a statement of non-opposition. No extensions of the deadline set in this order will
8 be granted. Failure to comply with this order will result in a recommendation that this action be
9 dismissed pursuant Federal Rule of Civil Procedure 41(b).

10 DATED: July 17, 2006.

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13 UNITED STATES MAGISTRATE JUDGE

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